

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

RICKY MARTIN-SMART,)
)
Plaintiff,)
)
v.) Case No. CV407-197
)
CHATHAM COUNTY JAIL and MS.)
VERONICA, LPN,)
)
Defendants.)

REPORT AND RECOMMENDATION

Plaintiff has filed an action pursuant to 42 U.S.C. § 1983. (Doc. 1.) On January 2, 2008, the Court entered an Order granting his motion to proceed *in forma pauperis*. (Doc. 3.) The Order explained that under the Prison Litigation Reform Act of 1995 (PLRA), Pub. L. No. 104-134, 110 Stat. 1321-71, all prisoners, even those proceeding *in forma pauperis*, must pay the requisite \$350 filing fee. 28 U.S.C. § 1915(b)(1). To facilitate payment of the filing fee, the Court included with its Order two forms—a Prisoner Trust Fund Account Statement and a Consent to Collection of Fees

from Trust Account form—with a warning to return them by February 1, 2008, or face a recommendation of dismissal without prejudice. (Doc. 3.) Plaintiff has failed to return the forms.

Because plaintiff failed to return the forms or respond to the Court's Order, his case should be **DISMISSED** without prejudice for his failure to prosecute this action. Local Rule 41.1(b) (permitting dismissal for willful disobedience or neglect of any order of the Court); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); Mingo v. Sugar Cane Growers Co-op, 864 F.2d 101, 102 (11th Cir. 1989); Goforth v. Owens, 766 F.2d 1533 (11th Cir. 1985).

SO REPORTED AND RECOMMENDED this 5th day of March, 2008.

/s/ G.R. SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA